

House Study Bill 230

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON COMMERCE,
REGULATION AND LABOR BILL BY
CHAIRPERSON JENKINS)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act repealing registration requirements for construction
2 contractors and providing for related matters.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2609YC 81
5 kh/pj/5

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1 1 Section 1. Section 10A.601, subsections 1 and 7, Code
1 2 2005, are amended to read as follows:
1 3 1. A full-time employment appeal board is created within
1 4 the department of inspections and appeals to hear and decide
1 5 contested cases under chapter 8A, subchapter IV, and chapters
1 6 80, 88, ~~91C~~, 96, and 97B.
1 7 7. An application for rehearing before the appeal board
1 8 shall be filed pursuant to section 17A.16, unless otherwise
1 9 provided in chapter 8A, subchapter IV, or chapter 80, 88, ~~91C~~,
1 10 96, or 97B. A petition for judicial review of a decision of
1 11 the appeal board shall be filed pursuant to section 17A.19.
1 12 The appeal board may be represented in any such judicial
1 13 review by an attorney who is a regular salaried employee of
1 14 the appeal board or who has been designated by the appeal
1 15 board for that purpose, or at the appeal board's request, by
1 16 the attorney general. Notwithstanding the petitioner's
1 17 residency requirement in section 17A.19, subsection 2, a
1 18 petition for judicial review may be filed in the district
1 19 court of the county in which the petitioner was last employed
1 20 or resides, provided that if the petitioner does not reside in
1 21 this state, the action shall be brought in the district court
1 22 of Polk county, Iowa, and any other party to the proceeding
1 23 before the appeal board shall be named in the petition.
1 24 Notwithstanding the thirty-day requirement in section 17A.19,
1 25 subsection 6, the appeal board shall, within sixty days after
1 26 filing of the petition for judicial review or within a longer
1 27 period of time allowed by the court, transmit to the reviewing
1 28 court the original or a certified copy of the entire records
1 29 of a contested case. The appeal board may also certify to the
1 30 court, questions of law involved in any decision by the appeal
1 31 board. Petitions for judicial review and the questions so
1 32 certified shall be given precedence over all other civil cases
1 33 except cases arising under the workers' compensation law of
1 34 this state. No bond shall be required for entering an appeal
1 35 from any final order, judgment, or decree of the district
2 1 court to the supreme court.
2 2 Sec. 2. Section 84A.5, subsection 3, Code 2005, is amended
2 3 to read as follows:
2 4 3. The division of labor services is responsible for the
2 5 administration of the laws of this state under chapters 88,
2 6 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, ~~91C~~, 91D, 91E, 92, and
2 7 94A, and sections 30.7 and 85.68. The executive head of the
2 8 division is the labor commissioner, appointed pursuant to
2 9 section 91.2.
2 10 Sec. 3. Section 91.4, subsection 5, Code 2005, is amended
2 11 to read as follows:
2 12 5. The director of the department of workforce
2 13 development, in consultation with the labor commissioner,
2 14 shall, at the time provided by law, make an annual report to
2 15 the governor setting forth in appropriate form the business
2 16 and expense of the division of labor services for the
2 17 preceding year, the number of disputes or violations processed
2 18 by the division and the disposition of the disputes or

2 19 violations, and other matters pertaining to the division which
2 20 are of public interest, together with recommendations for
2 21 change or amendment of the laws in this chapter and chapters
2 22 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, ~~91C~~, 91D, 91E, 92, and
2 23 94A, and sections 30.7 and 85.68, and the recommendations, if
2 24 any, shall be transmitted by the governor to the first general
2 25 assembly in session after the report is filed.

2 26 Sec. 4. Section 96.11, subsection 15, Code 2005, is
2 27 amended by striking the subsection.

2 28 Sec. 5. Section 103A.20, subsection 1, unnumbered
2 29 paragraph 2, Code 2005, is amended by striking the unnumbered
2 30 paragraph.

2 31 Sec. 6. Chapter 91C, Code 2005, is repealed.

2 32 EXPLANATION

2 33 This bill repeals Code chapter 91C, which requires a
2 34 contractor doing business in this state to register with the
2 35 labor commissioner. The bill also makes conforming changes.

3 1 The conditions for registration, under the chapter, require
3 2 a contractor to be in compliance with workers' compensation
3 3 insurance laws and provide evidence of workers' compensation
3 4 insurance coverage annually, evidence of relief from the
3 5 insurance requirement, or a statement that the contractor is
3 6 not required to carry workers' compensation coverage; and to
3 7 possess an employer account number or a special contractor
3 8 number issued by the department of workforce development
3 9 pursuant to the Iowa employment security law.

3 10 The registration fees, assessed biennially and deposited in
3 11 the general fund of the state, cannot exceed \$25.

3 12 The chapter requires an out-of-state contractor, before
3 13 commencing a contract in excess of \$5,000 in value in Iowa, to
3 14 file a bond with the division of labor services in the sum of
3 15 the greater of \$1,000 or 5 percent of the contract price.

3 16 The administrative penalties permitted under the Code
3 17 chapter cannot exceed \$500 per violation. Revenues from the
3 18 collection of penalties are deposited in the general fund of
3 19 the state.

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